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December 21, 2009

BY HAND

James J. McNulty
Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

**RE: Petition of Duquesne Light Company For Approval of Default Service Plan for the
Period January 1, 2011 through May 31, 2013
Docket No. P-2009-2135500**

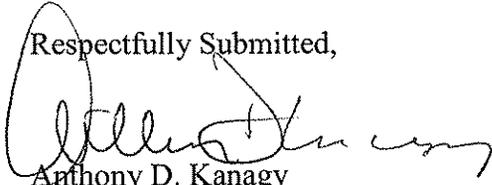
Dear Secretary McNulty:

Enclosed please find the Petition of Duquesne Light Company ("Duquesne Light") for Certification of a Discovery Ruling for Interlocutory Review in the above-referenced proceeding. Duquesne Light notes that it has served interrogatories to RESA requesting information that is substantially similar to the subject of this Petition. RESA has objected to those interrogatories, and Duquesne Light filed a Motion to Compel RESA to answer the interrogatories. Due to the deadline for filing this Petition, Duquesne Light requests that the ALJ hold this certification, and briefing schedule, in abeyance until Duquesne Light and RESA have had the opportunity to review the forthcoming order regarding Duquesne Light's motion to compel. Further, holding this certification in abeyance will permit the parties to conduct further settlement discussions on this matter.

James J. McNulty
December 21, 2009
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Copies will be provided as indicated on the certificate of service.

Respectfully Submitted,



Anthony D. Kanagy

ADK/skr

Enclosure

cc: Honorable John H. Corbett Jr.
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA E-MAIL and FIRST CLASS MAIL

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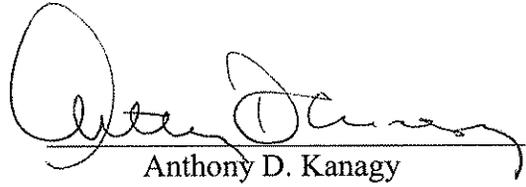
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Date: December 21, 2009



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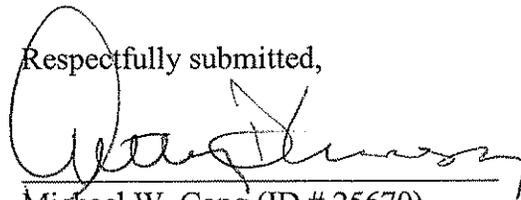
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company For :
Approval of Default Service Plan for the : Docket No. P-2009-2135500
Period January 1, 2011 through :
May 31, 2013 :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT 52 PA. CODE § 5.304 YOU MAY FILE A RESPONSIVE BRIEF WITHIN SEVEN (7) DAYS AFTER THE DATE OF SERVICE OF THE ATTACHED PETITION. YOUR RESPONSIVE BRIEF SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL AND THE PRESIDING OFFICER AND ALL OTHER PARTIES.

Respectfully submitted,



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Dated: December 21, 2009

Attorneys for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company For :
Approval of Default Service Plan for the : Docket No. P-2009-2135500
Period January 1, 2011 through :
May 31, 2013 :

**PETITION OF DUQUESNE LIGHT COMPANY
FOR CERTIFICATION OF A DISCOVERY RULING
FOR INTERLOCUTORY REVIEW**

TO ADMINISTRATIVE LAW JUDGE JOHN H. CORBETT, JR.:

Duquesne Light Company (“Duquesne Light”), pursuant to 52 Pa. Code § 5.304, hereby petitions Administrative Law Judge John H. Corbett, Jr. (“ALJ”) to certify for interlocutory review portions of the ALJ’s ruling that Duquesne Light is required to answer certain discovery questions posed by the Retail Energy Supply Association (“RESA”).¹ Duquesne Light requests, however, that this certification be held in abeyance until the ALJ rules on Duquesne Light’s motion, filed this same day, to compel RESA to respond to interrogatories the are substantially similar to the subject of this Petition. In support thereof, Duquesne Light states as follows:

I. QUESTION PRESENTED

1. Duquesne Light requests that the ALJ certify for review by the Pennsylvania Public Utility Commission (“Commission”) the following question:

Whether a public utility company should be required to disclose to current and potential wholesale suppliers and competitive electric generation suppliers (“EGSs”) the amount of any past or projected profits or losses and projected market share related to the company’s provision of provider of last resort services?

¹ See Third Interim Order Granting in Part RESA’s Motion to Compel, Docket No. P-2009-2135500 (December 18, 2009) (ordering, *inter alia*, that Duquesne Light answer RESA Interrogatory Nos. 8 and 9(a) - (c)).

II. REASONS FOR INTERLOCUTORY REVIEW

2. Duquesne Light respectfully submits that it is irrelevant, substantially prejudicial, and inappropriate for a public utility company seeking to procure default services through bilateral contracts to be required to disclose the company's projected profits or losses and projected market share associated with its provision of such services. Regarding past profits or losses, this request seeks information about an unregulated affiliate of Duquesne Light, which is information that is beyond the purview of this proceeding and not relevant because the unregulated affiliate is not associated with providing energy supply for the next POLR period.

3. In the above-captioned Petition, Duquesne Light proposes to procure power for residential default service customers by utilizing bilateral contracts with wholesale suppliers. Disclosure of the requested information would substantially prejudice Duquesne Light's ability to negotiate these bilateral contracts for the procurement of default services.

4. Duquesne Light and the wholesale suppliers it will contract with are sophisticated entities that equally possess expertise in the procurement and sale of power necessary for default services. The parties should be able to allocate the risk, and determine their rights and liabilities under the contracts. The disclosure of the requested information would be substantially prejudicial to Duquesne Light and its default service customers because it would provide the wholesale suppliers with an advantage in contract negotiations.

5. Disclosure of the requested information is an unnecessary and an unreasonably burdensome intrusion into confidential business matters of Duquesne Light. Further, in this case, such information cannot be adequately protected through a confidentiality agreement because the entity requesting the information, RESA, represents a broad range of wholesale suppliers and EGSs. In addition to the potential for increasing costs to default service customers, providing the

requested information will give RESA's wholesale supplier members an unfair advantage as compared to other wholesale suppliers that may seek to contract with Duquesne Light.

6. Interlocutory review of the discovery issues explained above should be granted because of the potential adverse effect on default service procurement.

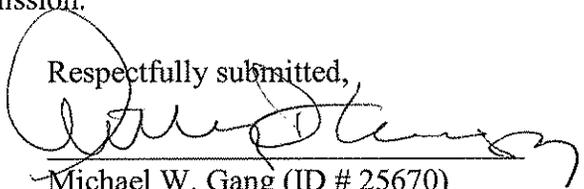
7. Duquesne Light served and RESA objected to interrogatories requesting information that is substantially similar to the subject of this Petition. This same day, Duquesne Light is filing a motion to compel RESA to answer said interrogatories. Due to the deadline for filing this Petition, Duquesne Light requests that the ALJ hold this certification, and briefing schedule, in abeyance until Duquesne Light and RESA have had the opportunity to review the forthcoming order regarding Duquesne Light's motion to compel. Further, holding this certification in abeyance will permit the parties to conduct further settlement discussions on this matter.

WHEREFORE, Duquesne Light Company respectfully requests, pursuant to 52 Pa. Code § 5.304, that Administrative Law Judge John H. Corbett, Jr. hold this certification, and briefing schedule, in abeyance until the disposition of Duquesne Light Company's motion to compel, and, thereafter if requested, to certify the discovery question presented herein for interlocutory review by the Pennsylvania Public Utility Commission.

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Dated: December 21, 2009

Respectfully submitted,



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